

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

DAVID J. TAULBEE,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 1:04-CV-405-TS
)	
TELEFLEX, INC., d/b/a/)	
TELEFLEX AUTOMOTIVE,)	
)	
Defendant.)	

ORDER

This matter is before the Court on the Defendant's Motion to Dismiss [DE 34], filed on June 3, 2005, and the magistrate judge's Report and Recommendation, dated June 28, 2005, making the recommendation that the case be dismissed as a sanction under Federal Rule of Civil Procedure 16(f). The Plaintiff did not respond to the Motion to Dismiss or the Report and Recommendation.

A judge may refer a dispositive matter to a magistrate judge for a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), Federal Rule of Civil Procedure 72(b), and Northern District of Indiana Local Rule 72.1(d)(1). This Court assigns Magistrate Judge Roger Cosbey to prepare a report and recommendation on the Defendant's Motion to Dismiss *nunc pro tunc*.

This Court's review of the Magistrate's Report and Recommendation is governed by 28 U.S.C. § 636(b)(1)(C) which provides in part:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate. The judge may also receive further evidence or recommit the matter to the magistrate with instructions.

The statute also requires objections to the Magistrate's Report and Recommendations to be made

within ten days of service of a copy of the Report. *Id.* § 636(b)(1)(C).

Because the Plaintiff has not filed any objections to the Magistrate's Report, de novo review is not required.¹ This Court finds that the Magistrate has correctly resolved the issues raised by the Plaintiff's failure to appear for conferences with the Court and his violation of the Court's order to respond to discovery requests. Therefore, the Court accepts the Magistrate's Report and Recommendations on the Defendant's Motion to Dismiss.

CONCLUSION

For the foregoing reasons, the Defendant's Motion to Dismiss is assigned to Magistrate Judge Roger Cosbey, *nunc pro tunc*, for the preparation of a recommendation, the Magistrate's Report and Recommendation [DE 38] is ACCEPTED, and the Defendant's Motion to Dismiss [DE 34] is GRANTED. The Complaint is dismissed with prejudice.

SO ORDERED on October 31, 2005.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT

¹ It appears that the Plaintiff has not received the Report and Recommendation, or any orders issued since, because he has not provided the Court with his current address.